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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,855	08/29/2001	Annop Magness		8543

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ANNOP MAGNESS
PO BOX 1997
ROSEMEAD, CA 91770

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,855

Applicant(s)

MAGNESS, ANNOP

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-17, 19, 22, 23, 26, 28-30 and 35-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-17, 19, 22, 23, 26, 28-30 and 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. A substitute specification describing the claims is required pursuant to 37 CFR 1.125(a) because the substitute specification filed on April 11, 2003 includes pages with missing lines. For example, on page 6, the line describing Fig. 11 is missing; on page 10, the last line is missing; on page 14, the last line is missing; on page 18, the last line is missing; and, on page 19, the last line is missing.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Objections

2. Claim 3 is objected to because of the following informalities: On line 3, "scissors" should be changed to --scissor--. In claim 3, line 3, --a-- should be inserted before "first". In claim 3, line 3, --of-- should be inserted before "scissors". In claim 3, line 7, "an" should be changed to --a--. In claim 3, line 7, --a-- should be inserted before "second". In claim 3, line 7, --of-- should be inserted before "scissor". In claim 3, line 7,

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"mounted" should be changed to ~~mounted~~. In claim 3, line 9, ~~of~~ should be inserted before "scissor". In claim 3, line 9, ~~and~~ should be inserted after "legs". In claim 3, line 21, "liftstructure" should be changed to ~~lift structure~~. In claim 3, line 27, ~~a~~ should be inserted before "first". In claim 3, line 35, "top" should be changed to ~~to~~. In claim 3, line 37, "of" should be changed to ~~said~~. In claim 3, line 40, ~~a~~ should be inserted before "support". In claim 3, line 44, ~~being~~ should be inserted before "different". In claim 3, line 45, ~~and being~~ should be inserted before "pivotally". In claim 3, line 46, ~~a~~ should be inserted before "first". In claim 13, line 2, "bare" should be changed to ~~bar~~. In claim 14, line 3, "its" should be deleted. In claim 17, "where in" should be changed to ~~wherein~~. In claim 17, line 5, ~~a~~ should be inserted before "folded". In claim 23, line 1, "the" should be changed to ~~The~~ and "where in" should be changed to ~~wherein~~. In claim 26, line 1, "the" should be changed to ~~The~~, "where in" should be changed to ~~wherein~~ and "," should be changed to a period (.).

3. Claims 19, 22, 23, 26, 28, 29, 30, 39 and 42 depend from canceled claims. It is suggested that these claims be canceled or amended to depend from a non-canceled claim. The claims have been treated as though dependent from claim 3.

4. Claim 36 is out of sequence because it depends from claim 40.

5. The listings above are just examples of the errors found throughout the claims. Applicant is advised to go through each and every claim to address/correct any other errors that are not listed above.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-17, 35-41 and 43-45 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure that goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 3, line 8 recites the limitation "said upper cross bar" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, line 39, "a" should be changed to —said—for clarity.

Claim 3, line 44, "a" should be changed to —said—for clarity.

Claim 3, line 47, "a" (at both occurrences) should be changed to —said—for clarity.

Claim 3, line 49, before "easily" —mounted in an—should be inserted for clarity.

Claim 3 recites the limitation "said attached hand crank" in line 49. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said spring" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 is unclear and does not make grammatical sense and should be corrected.

Claim 13 is unclear and does not make grammatical sense and should be corrected. The claim should also not end with a “;” but with a period (.).

Claim 14 recites the limitation "said wheel support assembly cross bar" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 does not make grammatical sense and should be corrected.

Claim 35, line 3, the term “wild” is confusing and does not appear to be the correct term to describe applicant’s invention.

7. The listing of 112 2nd paragraph rejections above are just examples of the errors found throughout the claims. Applicant is advised to go through each and every claim to address/correct any other errors that are not listed.

8. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication “Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office.” This publication

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is for sale by the Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402.

Allowable Subject Matter

9. Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. Claims 4-17, 19, 22, 23, 26, 28-30 and 35-45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

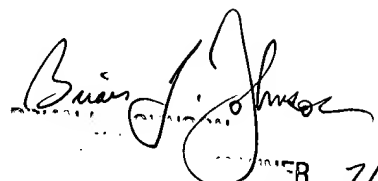
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

July 12, 2003


SUSAN L. JOHNSON
TECHNICAL STAFF 0030
7/14/03